

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKEY LEE GORMAN,
 Plaintiff(s),
 v.
 BRITTANY TAMASO,
 Defendant(s).

Case No. 2:22-cv-01678-JAD-NJK
REPORT AND RECOMMENDATION

The Court's orders are being returned as undeliverable to Plaintiff. *E.g.*, Docket No. 45. The Court ordered Plaintiff to either remove any impediment to receiving mail at his identified location or to update his address as warranted. Docket No. 46. The Court warned that "[f]ailure to comply with this order may result in dismissal." *Id.* (emphasis in original). That order has itself been returned as undeliverable, Docket No. 47, and Plaintiff has not complied with the Court's order.

"A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address." *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (*per curiam*); *see also in re Hammer*, 940 F.2d 524, 526 (9th Cir. 1991). To that end, the local rules require that litigants immediately file written notification of any change of address, and the local rules expressly warn that failure to do so may result in case-dispositive sanctions. *See* Local Rule IA 3-1. In addition, dismissal may be warranted for failing to comply with the Court's orders. *E.g.*, Fed. R. Civ. P. 16(f)(1)(C).¹

¹ These issues arise frequently when a litigant fails to notify the Court of a change of address. It is unclear in this case whether Plaintiff has actually moved or his mailbox has been removed from his property. Either way, the Court is unable to communicate with him. Dismissal is warranted either for Plaintiff failing to update his address or for failing to comply with the Court's orders.

1 Plaintiff has disobeyed the local rules and the Court's orders. Plaintiff's disobedience is
2 an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed
3 litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and
4 threatened the integrity of the Court's orders and the orderly administration of justice. Sanctions
5 less drastic than dismissal are unavailable because Plaintiff has refused to comply with the orders
6 of this Court notwithstanding the warning that case-dispositive sanctions may be imposed.

7 Accordingly, in light of the circumstances outlined above, the undersigned
8 **RECOMMENDS** that this case be **DISMISSED** without prejudice.

9 Dated: March 3, 2025

10 
11 Nancy J. Koppe
12 United States Magistrate Judge

13 **NOTICE**

14 This report and recommendation is submitted to the United States District Judge assigned
15 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
16 recommendation must file a written objection supported by points and authorities within fourteen
17 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
18 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
19 F.2d 1153, 1157 (9th Cir. 1991).